

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION  
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ORIGINAL

Docket No. \_\_\_\_\_ ICC Office Use Only

Domino Networks Communications, Inc. )  
)  
Application for a certificate of )  
local and interexchange authority )  
to operate as a reseller and facilities )  
based carrier of telecommunications )  
services throughout the State of Illinois. )

01-0009

**APPLICATION FOR CERTIFICATE TO BECOME A  
TELECOMMUNICATIONS CARRIER**

**GENERAL**

1. Applicant's Name(including d/b/a, if any) FEIN # 54-2012433

Domino Networks Communications, Inc. ("DNC" or "Applicant")

Address: Street 2950 Gallows Road

City Falls Church State/Zip VA 22402

2. Authority Requested: (Mark all that apply) X 13-403 X 13-404 X 13-405

3. Request for waivers/variances: In applications for exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

X Part 710 Uniform System of Accounts for Telecommunications Carriers

X Part 735\* Procedures Governing the Establishment of Credit, Billing,  
Deposits, Termination of Service and Issuance of Telephone  
Directories for Local Exchange Telecommunications Carriers  
in the State of Illinois

X Section 735.180 Directories

X Other

\* For interexchange services only.

**For an explanation for these waiver/variance requests, please see Appendix A, Question 1. DNC also requests authorization to maintain its books and records at its principal place of business in the Commonwealth of Virginia, pursuant to 83 Ill. Admin. Code part 250.**

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:
- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document; and
  - (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document; and
  - (c) the Financial Questions for Applicants Seeking Local Exchange Authority found in Appendix C of this document; and
  - (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

**Please see Appendices A, B, and C. Question 4(d) does not apply to Applicant.**

5. In what area of the state does the Applicant propose to provide service?

**Applicant seeks to provide services throughout the State of Illinois.**

6. Please attach a sheet designating contact persons to work with Staff on the following:
- a) issues related to processing this application
  - b) consumer issues
  - c) customer complaint resolution
  - d) technical and service quality issues
  - e) "tariff" and pricing issues
  - f) 9-1-1 issues
  - g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address, if any.

**Please see Exhibit 1.**

7. Please check type of organization?

☐ Individual

☒ Corporation

☐ DNCship

Date corporation was formed **November 14, 2000**

In what state? **Delaware**

☐ Other (Limited Liability Company)

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois. **Please see Exhibit 2.**

9. List jurisdictions in which Applicant is offering service(s).

**Applicant is currently in the process of obtaining certification to provide telecommunications services in Arizona, California, Colorado, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Washington. DNC's affiliate, Domino Networks Communications of Virginia, Inc., currently is seeking authority to provide facilities-based and resold local exchange, exchange access, and interexchange telecommunications services in the Commonwealth of Virginia.**

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

\_\_\_\_\_ YES (Please provide details)      X   NO

11. Have there been any complaints or judgements levied against the Applicant in any other jurisdiction?

\_\_\_\_\_ YES      X   NO

If YES, describe fully.   Not Applicable.  

12. Has Applicant provided service under any other name?

\_\_\_\_\_ YES      X   NO

If YES, please list.

13. Will the Applicant keep its books and records in Illinois? \_\_\_\_\_ YES      X   NO  
If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

**DNC requests authorization to maintain its books and records at its principal place of business in the Commonwealth of Virginia, pursuant to 83 Ill. Admin. Code part 250.**

#### **MANAGERIAL**

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

**Please see Exhibit 3.**

15. List officers of Applicant.

**Please see Exhibit 3.**

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services?  X  YES \_\_\_\_ NO

If YES, list entity.  BroadBand Office Communications, Inc.

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for services and details of the billings statement.)

**DNC plans to bill its customers directly, on a monthly basis. The bills will specify in a detailed fashion the services that are rendered to each customer.**

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

**Customers with service, billing and repair questions or complaints may reach DNC at its 24-hour toll-free customer service number, 888-535-4226, for assistance. Customers may also send written inquiries and complaints to DNC at 2950 Gallows Road, Falls Church, VA 22402. Applicant views customer satisfaction as critical to its success in the competitive marketplace and will promptly address all service, billing and repair complaints and inquiries. If Applicant is unable to resolve a complaint to a customer's satisfaction, Applicant will advise the customer of its right to file a complaint with the Illinois Commerce Commission.**

19. Will personnel be available at applicant's business office during regular working hours to respond to inquiries about service or billing?  X  YES \_\_\_\_ NO

20. What telephone number(s) would a customer use to contact your company?

888-535-4226

21. Will applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

X  YES \_\_\_\_ NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers.

**DNC will comply with Illinois law and the FCC's regulations regarding how interexchange carriers may change a consumer's primary interchange carrier. Applicant will also comply with the FCC's regulations regarding how carriers may change a consumer's primary local exchange provider.**

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 735, 755, 756, 757, 770, and 772?

**Applicant requests a waiver of 83 Illinois Administrative Code Parts: 710 and 735. A detailed explanation of this request is presented in Question 1 of Appendix A.**

☒ **X** YES      ☐ NO (If no, please provide an explanation.)

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

☒ **X** YES      ☐ NO

#### **FINANCIAL**

25. Please attach evidence of applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

**Please see Exhibit 4.**

#### **TECHNICAL**

26. Does Applicant utilize its own equipment and/or facilities? ☒ **X** YES      ☐ NO

If YES, please list:

**DNC intends to provide service throughout Illinois through its own network facilities, through unbundled network elements purchased from ILECs, or through the resale of ILEC services. Applicant does not currently own any telecommunications facilities in Illinois.**

**Initially, Applicant may lease the fiber optic facilities of other carriers while its own facilities are being built. As Applicant completes the build-out of its network, Applicant will move this traffic onto its own network.**

If NO, which facility provider(s)'s services does Applicant use?

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, local service).

**Applicant seeks authority to provide facilities-based and resold local exchange telecommunications and intrastate interexchange services to customers throughout the State of Illinois. Applicant will construct its own fiber optic network and facilities to provide voice and data communications services, dedicated access services, and private line data communications services to its customers. Applicant's network will be based on VoIP technology and employ Sonus Networks packet switches. Applicant may supplement these services with other resold services provided by incumbent local exchange carriers, competitive local carriers, or interexchange carriers. In addition to**

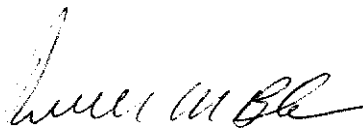
these services, Applicant intends to lease its dedicated and private line fiber optic communications infrastructure to wholesale carriers. Applicant will continuously monitor and maintain a high level of control over its network on a twenty-four (24) hours a day, seven (7) days a week basis through its network operations center.

28. Will technical personnel be available at all times to assist customers with service problems?  
X YES \_\_\_ NO
29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

\_\_\_\_\_ YES \_\_\_\_\_ NO

**Applicant does not intend to provide payphone service.**

**Domino Networks Communications, Inc.**



**Russell M. Blau**

**/Michael J. Mendelson**

**SWIDLER BERLIN SHEREFF FRIEDMAN, LLP**

**3000 K Street, N.W. Suite 300**

**Washington, D.C. 20007**

**Telephone: (202) 295-8338**

**Facsimile: (202) 424-7645**

**Counsel for Domino Networks Communications, Inc.**

## VERIFICATION

**This application shall be verified under oath.**

## OATH

Commonwealth of VIRGINIA                 )  
  )         ss:  
County of FAIRFAX                                 )

Woody Traylor makes oath and says that he is Vice President of Regulatory Affairs and Assistant Secretary of Domino Networks Communications, Inc.; that he has examined the foregoing application; and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

Wendy Taylor  
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/

JOHN C. GANTO

in the Commonwealth and County above named, this 21<sup>st</sup> day of December 2000

  
My Commission Expires December 31, 2002

**My Commission Expires December 31, 2002**

Standard Questions for Applicants Seeking Local Exchange Authority

1. Is your company seeking any waivers or variances of certain Commission rules and regulations in this proceeding that pertain to local exchange service? Please provide evidence as to why your company is seeking any waiver or variance.

**DNC seeks a waiver of Parts 710 and 735 with respect to its interexchange services and of Part 710 with respect to its local services. The Commission has previously found that it is not necessary to apply these regulatory provisions to competitive service providers and has exempted competitive carriers from the application of these provisions. Such waivers reduce the economic burdens of regulation and are not consistent with the law or the purposes and policies of Article XIII of the Act. DNC respectfully submits that these waivers will benefit Illinois consumers by facilitating the company's entry into the telecommunications market without compromising the public interest.**

**DNC also seeks a variance of Part 735.180. If granted, DNC will negotiate an agreement with other local exchange providers, pursuant to which those carriers will include DNC's customer listings in their directories, which will then be distributed to DNC customers.**

2. Will your company comply with 83 Illinois Administrative Code Part 772, Pay-Per-Call Services, including Part 772.55(a)(1), Billing and Part 772.100(d) Notices?

**Yes.**

3. Will your company comply with 83 Illinois Administrative Code Part 705, Preservation of Records of Telephone Utilities?

**Yes. DNC will comply with the regulations imposed on LEC's concerning the preservation of records. However, DNC requests permission to maintain its books and records at its principal place of business in the Commonwealth of Virginia.**

4. Will your company abide by 83 Illinois Administrative Code Part 735, "Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Telephone Utilities in the State of Illinois"?

**Yes. DNC will comply with this section, except to the extent that the Commission grants DNC's request for a waiver of 735.180, as detailed in Question 1.**



5. Who will provide customer repair service for your company?

**DNC customers may call DNC's customer service number, 888-535-4226, 24 hours a day, seven days a week for routine and emergency repair and maintenance. If the repair or maintenance request concerns a resold or UNE portion of DNC's network, DNC will contact the incumbent carrier. If the repair or maintenance request concerns a DNC-owned facility, DNC will utilize contractual arrangements it may have with the incumbent carrier or handle the repair or maintenance through its employees.**

6. How many people does the company employ?

**At present, DNC employs approximately two hundred twenty five (225) people.**

7. Will your company meet the requirements as they pertain to the Telephone Assistance Programs imposed by Sections 13.301 and 13.301.1 of the Illinois Public Utilities Act and 83 Illinois Administrative Code Part 757?

**Yes.**

8. Will your company solicit, collect, and remit the voluntary contributions from its telephone subscribers to support the Telephone Assistance Programs?

**Yes.**

9. Does your company plan on filing to become an Eligible Telecommunications Carrier?

**No.**

10. Does the company realize that it will not be able to receive any of the federal reimbursements for the Lifeline and Link Up Programs if it is not an eligible carrier?

**Yes.**

11. Will your company offer all of the waivers associated with the Universal Telephone Service Assistance Programs (UTSAP)?

**Yes.**

12. Will your company abide by the regulations as prescribed in 83 Illinois Administrative Code Part 755, "Telecommunications Access for Persons with Disabilities," 83 Illinois Administrative Code Part 756 "Telecommunications Relay Service," and Sections 13-703 of the Illinois Public Utilities Act?

**Yes.**

13. Will the company's billing system be able to distinguish between resale and facilities based service for the collection of the ITAC line charge?

**Yes.**

14. Has your company signed and returned the Universal Telephone Assistance Corporation ("UTAC") and the Illinois Telecommunications Access Corporation ("ITAC") to Commission staff?

**Please see Exhibit 6.**

15. How does your company plan to solicit customers once it begins to provide local service.

**DNC will use direct marketing and wholesale methods in order to market its service to business and residential customers. DNC does not currently intend to engage in telemarketing or multi-level marketing.**

16. Has your company provided service under any other name?

**No.**

17. Have any complaints or judgements been levied against the company? (Instate, out-of-state, or FCC).

**No complaints or judgements have been levied against DNC by any state or federal regulatory authority.**

9-1-1 Questions for Applicants Seeking Local Exchange Service Authority

1. Will your company ensure that 911 traffic is handled in accordance with the 83 Illinois Administrative Code Part 725 and the Emergency Telephone System Act?

**Yes.**

2. Will your company contact and establish a working relationship with the 911 systems when you begin to provide local telephone service?

**Yes.**

3. Will your company coordinate with the incumbent LEC(s) and local 911 systems to provide transparent services for your local exchange customers?

**Yes.**

4. Who will be responsible for building and maintaining the 911 database for your customers?

**To the extent required by the Commission, DNC will be responsible for building and maintaining the 911 database for its local exchange customers.**

5. How often will your company update the database with customer information?

**DNC will update the 911 information database with customer information as often as required, but at a minimum, DNC will update the 911 information database on a daily basis.**

6. Will your company's billing system have the ability to distinguish between facilities-based and resale for the collection of the 911 surcharge?

**Yes.**

7. Does your company have procedures for the transitioning of the 911 surcharge collection and disbursement to the local 911 system?

**DNC intends to develop such procedures.**

8. Will your company's proposal require any network changes to any of the 911 systems?

**No.**

9. Will your company be able to meet the requirements specified under Part 725.500(o) and

725.620(b) for the installation of call boxes?

**No.**

10. Does your company plan to file for a waiver of Part 725.500(o) and 725.620(b) in the future?

**Yes.**

Financial Questions for Applicants Seeking Local Exchange Authority

1. What circumstances warrant a departure from the prescribed Uniform System of Accounts ("USOA")?

**Part 710 requires compliance with the Uniform System of Accounts ("USOA"). While this provision is appropriately applied to incumbent LECs that have market power, it imposes unnecessary and burdensome requirements on new entrants that are inconsistent with a competitive environment. DNC's size and lack of market power are special circumstances that warrant a waiver of the USOA requirement. Furthermore, the Commission has granted waivers of Part 710 in the past.**

2. Will records be maintained in accordance with Generally Accepted Accounting Principles ("GAAP")?

**Yes. DNC will keep its books in accordance with GAAP, which will result in a substantially equivalent portrayal of its operating results and financial condition and will maintain uniformity in the substantive results as among telecommunications companies.**

3. Will applicants accounting system provide an equivalent portrayal of operating results and financial condition as the USOA?

**Yes.**

4. Will applicants accounting procedure maintain or improve uniformity in substantive results as among similar telecommunications companies?

**Yes.**

5. Will applicant maintain its records in sufficient detail to facilitate the calculation of all applicable taxes?

**Yes.**

6. Does the accounting system currently in use by applicant provide sufficiently detailed data for the preparation of Illinois gross Receipts Tax returns? What specific accounts or sub-accounts provide this data?

**Yes. DNC's Chart of Accounts demonstrates that its accounting system is sufficiently detailed for the preparation of Illinois gross receipts tax returns. A Chart of Accounts is attached under seal as Exhibit 5 of this Application. Please note that the Chart of Accounts has been enclosed in a sealed envelope marked "Confidential." A Chart of Accounts is not generally available to the public and**

**DNC considers and treats its Chart of Accounts as confidential and proprietary. Concurrent with this Application, DNC is filing a Motion for a Protective Order requesting that the Chart of Accounts be accorded confidential treatment and not be disclosed to the public.**

5. If a waiver of Part 710 is granted, will applicant provide annual audited statements for all periods subsequent to granting the waiver?

**Yes.**

6. Does applicant agree that the requested waiver of Part 710 will not excuse it from compliance with future Commission rules or amendments to Part 710 otherwise applicable to the Company?

**Yes.**

7. Please attach a copy of applicant's chart of accounts.

**Please see Exhibit 5.**

## **EXHIBITS**

<b>Exhibit 1</b>	Designated Contact Persons
<b>Exhibit 2</b>	Articles of Incorporation and Certificate of Authority to Transact Business
<b>Exhibit 3</b>	Managerial and Technical Qualifications and Officers List
<b>Exhibit 4</b>	Financial Statements ( <i>Filed separately under seal pursuant to Section 200.430 of the Illinois Administrative Code</i> )
<b>Exhibit 5</b>	Chart of Accounts ( <i>Filed separately under seal pursuant to Section 200.430 of the Illinois Administrative Code</i> )
<b>Exhibit 6</b>	UTAC and ITAC Forms
<b>Verification</b>	